



REF/W71

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jacques J. LABRIE

Serial No.: 09/221,542

Filed: December 28, 1998

For:

**DATA NAVIGATION SYSTEM
AND METHOD EMPLOYING DATA
TRANSFORMATION LINEAGE
MODEL**

Date of Last Office Action:
December 2, 2004

Atty Docket No.:
ST9-98-004

Examiner: Te Y. Chen

Art Unit: 2171

Confirmation No. 4441

Cleveland, OH 44114
December 22, 2004

**RESPONSE TO NOTICE OF IMPROPER REQUEST FOR
CONTINUED EXAMINATION (RCE)**

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to a Notice of Improper Request for Continued Examination (RCE) mailed from the U.S. Patent and Trademark Office on December 6, 2004, in connection with the above-identified patent application. Applicant respectfully submits that the Notice is in error.

More particularly, the Group 2900 examining personnel noted in the Notice that the continued examination requested does not apply to an application for a design patent. However, it is respectfully submitted that the present application is a utility patent application.

Since the present application is a utility application and not a design patent application, the Request for Continued Examination Under 37 C.F.R. § 1.114 was proper.

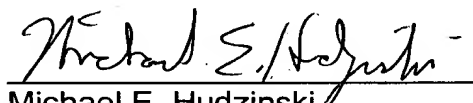
It is believed that the above is fully responsive to the Notice and applicant requests that this application be returned to the Examiner for proper handling and for continued examination.

No fees are believed due but, in the event that any fees are owing, authorization is hereby authorized to charge any fees, or credit any overpayments to Deposit Account No. 09-0460.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH, & McKEE, LLP

22 DEC 04
Date


Michael E. Hudzinski
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Certificate of Mailing

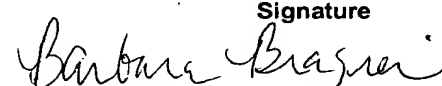
Under 37 C.F.R. § 1.8, I certify that this Amendment is being

☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP
_____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated
below.

☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.

☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service
under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP
AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
Date December 22, 2004

Signature 
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